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REPORT
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FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974: AUTHORIZATION FOR FISCAL YEAR 1988

MAY 21, 1987.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. ROE, from the Committee on Science, Space, and Technology, submitted the following

REPORT

[To accompany H.R. 1522]

together with

MINORITY VIEW

[Including cost estimate—Congressional Budget Office]

The Committee on Science, Space, and Technology, to whom was referred the bill (H.R. 1522) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments (stated in terms of the page and line numbers of the introduced bill) are as follows:

Page 1, line 9, strike out "$12,533,000" and insert in lieu thereof "$16,698,000".

Strike out the sentence beginning on page 1, line 10.

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I. Background and Need

FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974

In 1973 the National Commission on Fire Prevention and Control released a comprehensive report on this Nation's fire problem, "America Burning". This historic report found that although fire prevention and control are primarily local responsibilities, the Federal Government has a significant role to play in meeting this national problem.

The Commission found that to the extent the government was playing a role at all, it was fragmented among several federal agencies. Consequently, the Commission recommended the establishment of the National Fire Prevention and Control Administration, a federal agency where the Nation's fire problem would be viewed in its entirety.

Following this report, Congress passed the Federal Fire Prevention and Control Act of 1974, which established the U.S. Fire Administration [USFA]. Specifically set out as a part of the USFA was the National Fire Data Center and the National Fire Academy [NFA]. The legislation also provided for a fire research center at the National Bureau of Standards [NBS], for which funds are authorized under a separate NBC authorization bill.

In 1978 Congress expanded the USFA's responsibilities to include coordination of federal programs to combat arson. In 1979, the USFA was made part of the newly created Federal Emergency Management Agency [FEMA] under the President's Reorganization Plan No. 3. As part of FEMA, the USFA was given the responsibility to advise the FEMA Director on fire prevention, suppression, and hazard mitigation, and to serve as the lead federal agency responsible for combating the fire problem. In 1981, the budget for the USFA and the NFA were separated. Currently, the USFA consists of four offices: Fire Policy and Coordination, Firefighter Health and Safety, Fire Prevention and Arson Control, and Fire Data and Analysis. The NFA provides training and outreach courses to firefighters and other members of the fire service community.

Each year, over 2.3 million destructive fires are attended to by fire departments. Annually, more than 6,000 people, including over 100 fire fighters die as a result of fire, and over 100,000 people are injured each year. Roughly three-fourths of all fire deaths occur in residences. Six billion dollars worth of property go up in smoke each year. Consequently, as concluded in the report, "America Burning", in 1973, the fire problem in this country is too large to

be ignored and left to local fire fighters to battle alone. The USFA and NFA are working to help local firefighters reduce the substantial fire problem in this Nation.

II. Summary of Committee Actions

BUDGET TOTAL

The President's budget for fiscal year 1988 included a request for $12,533,000 in new obligational authority for the Federal Fire Prevention and Control Act. This represents a reduction of $3,598,000 from a total of $16,698,000 available in fiscal year 1987 for these programs.

H.R. 1522, as amended by the Committee, authorizes a total of $16,698,000 for fiscal year 1988.

PURPOSE OF THE BILL

The purpose of the bill is to authorize appropriations for the Federal Fire Prevention and Control Act for fiscal year 1988 in the amount of $16,698,000 as follows:

Federal Fire Prevention and Control Act—Authorization fiscal year 1988

Agency	
U.S. Fire Administration	$6,110,000
National Fire Academy	10,588,000
Total	16,698,000

COMPARISON WITH BUDGET REQUEST

Committee action on funding for the Federal Fire Prevention and Control programs compared to the President's budget request is reflected in the table below:

Federal Fire Prevention and Control Act (H.R. 1522) Budget Comparisons

[By fiscal year]	*In millions*
1987 Authorization	$18,300,000
1987 Appropriation	16,698,000
1988 Administration request	12,533,000
1988 Committee recommendation	16,698,000

III. Section-By-Section Analysis

FEDERAL FIRE PREVENTION AND CONTROL ACT

A BILL To authorize appropriations to carry out the Federal Fire Prevention and Control Act of 1974 for fiscal year 1988.

Section 1. Authorizes $16,698,000 for the fiscal year ending September 30, 1988 to the U.S. Fire Administration and National Fire Academy for fire prevention and control programs.

IV. Committee Views (H.R. 1522)

OVERSIGHT ISSUES

The U.S. Fire Administration (USFA) and National Fire Academy (NFA), both located within the Federal Emergency Management Agency (FEMA), along with the Center for Fire Research (CFR) within the National Bureau of Standards, provide the major support of fire prevention and control efforts in the United States.

In particular, these programs are aimed at reducing residential fires since the United States has among the world's highest rates both of deaths and of property losses due to fires. H.R. 1522 contains the fiscal year 1988 authorization for the fire programs in FEMA, the USFA and the NFA.

The Director of FEMA has announced that he plans to move the USFA from Emmitsburg, MD to Washington, DC and to disestablish the Training and Fire Programs Directorate, which includes the NFA. The Directorate, which is headed by an Associate Director, will be replaced by a training office, headed by a Senior Executive Service employee, which will oversee all FEMA training programs.

The Committee is concerned that these changes could weaken the fire programs by diffusing them and by causing unecessary employee turnover. The National Fire Prevention and Control Act set up the fire programs as a unit, with all programs reporting to the USFA, to give adequate focus to the fire programs.

The Committee wants to ensure that the latest reorganization of the fire programs proposed by the Director of FEMA does not handicap the programs. While the Committee wants to give the Director of FEMA adequate latitude to run the agency, his proposal has raised a new fear that fire programs will "get lost in the shuffle."

To evaluate the impact and justification for the reorganization, the Committee directs the Director of FEMA to submit to the Committee by December 31, 1987 a report containing the following: 1) a thorough justification for the planned reorganization of the program, and, in particular, how the program conforms to the Federal Fire Prevention and Control Act of 1974 (P.L. 93–498); 2) the impact on employees resulting from the move of the USFA from Emmitsburg, MD to Washington, DC; and 3) the number of employees and level of fire program funds being used for site administration at Emmitsburg, MD and for the proposed Office of Training.

U.S. FIRE ADMINISTRATION

Committee view

Though the Administration has not proposed elimination of the USFA in fiscal year 1988, the Office of Fire Prevention and Arson Control within the USFA has been proposed for elimination. As in past years, the Committee interprets the Administration proposal to imply that the USFA's role, assigned by the Fire Act of 1974, is not worthwhile or cost effective. The Committee strongly disagrees with the proposal, recognizing the value of the USFA as the Federal focal point for fire issues and for the advances in fire prevention and control which are attributable to it. While this nation continues to have one of the world's highest rates of both fire death and property loss per capita, there are clearly declining trends in both statistics.

Testimony received from a number of sources indicates that the USFA has made a major contribution in the area, to the end that about 2000 fewer people die from fires each year and about $1.2 billion less property loss is incurred, compared with 1975 when the Federal fire programs were established.

Testimony presented at the Committee's March 5, 1987 hearing on "Hotel Fire Safety: What's Needed to Protect Our Citizens", documented the inadequacy of fire prevention programs in the United States. The Committee commends the USAF for its contributions to the investigation of the Dupont Plaza Hotel fire in San Juan, Puerto Rico, and urges the agency to direct even more of its attention to increasing the use of sprinklers, particularly in hotels and motels.

NATIONAL FIRE ACADEMY

Committee view

The Administration also proposes that travel stipends for firefighters to attend the NFA should be reduced by two-thirds. The Committee disagrees with this proposal. Based upon testimony presented at the Dupont Plaza Hotel fire hearing, these cuts will severely impact non-federal attendance at the Academy, reducing the effectiveness of its outreach program. The Committee directs that the stipend program be funded at the same level as in fiscal year 1987 ($1,260,000).

The Superintendent of the Academy has expressed a desire to increase the institution's field programs. The Committee believes field programs should be increased to reach a greater number of firefighters. This expansion must not, however, occur at the expense of resident programs.

As in last year's authorization, the Committee is concerned that the volunteer firefighting community may have insufficient access to both the USFA and in particular, the NFA. While the Committee recognizes that the part-time, decentralized nature of volunteer fire organizations makes them inherently more difficult to support than the full-time fire service, the Committee feels that the USFA and NFA must make a special effort to communicate with the volunteer firefighting community. Thus, the Committee again directs that the NFA should give first priority to volunteer firefighters in admitting students and allotting travel stipends.

The Academy should also try in both its field and its resident programs to reach more city managers, codes officials and other representatives of fire-related services. Particular emphasis should be given to disseminating the lessons learned from the Dupont Plaza Hotel fire.

Furthermore, the Committee is concerned about the balance of time between federal and non-federal users of the Emmitsburg facilities. FEMA is increasingly using these facilities for its own internal training programs. While this is a necessary mission of FEMA, these programs must not be allowed to interfere in any way with the operation of the Academy.

Finally, the Committee is concerned that many positions at the Academy remained vacant more than six months after FEMA's agency-wide hiring freeze was lifted. These positions should be filled at the earliest possible date.

CENTER FOR FIRE RESEARCH

Committee view

The Center for Fire Research (CFR) in the National Bureau of Standards (NBS), like the U.S. Fire Administration and National Fire Academy, was created by the Federal Fire Prevention and Control Act. Since fiscal year 1983, the entire CFR program has been authorized in the National Bureau of Standards Authorization Act separately from the other fire programs. However, Committee views on the CFR are included in this report because the CFR provides vital scientific and technical data that are an integral part of the federal fire prevention and control effort.

The Committee disagrees with the Administration's proposal to cut the Center's budget in half and combine it with the Center for Building Technology to form the "Center for Fire and Building Safety Research." For the fifth consecutive year, the Committee has received convincing testimony that research currently performed by the CFR could not be conducted by the private sector and/or state and local governments. The CFR conducts the only comprehensive fire research program in the United States. Its program is designed to provide the scientific basis for the prevention and control of all types of fires and for reducing the nation's fire losses and the cost of fire protection. It is directed especially toward reducing the problem of residential fires, which account for the majority of fire-related deaths and injuries in the country.

In addition to the work carried out on-site, the CFR through its grants program is the prinicipal source of support for fundamental fire-related research in the United States. Each grant is awarded to further some specific aspect of the work of the CFR, particularly in areas for which there is no in-house capability. The grants program brings the talents of world-class researchers in many fields to focus on fire research. Since most of the grants are to universities, the program also supports much of the advanced training that produces new generations of fire researchers.

As part of the federal team investigating the Dupont Plaza Hotel fire, the CFR demonstrated its unique capabilities in engineering analysis. The CFR developed engineering tools to analyze and recreate the behavior and movement of the fire. They were able to explain how such a surprisingly big fire could have occurred without large quantities of fuel.

Over the last decade, the CFR has been in the forefront of developing tools to measure whether materials will ignite and burn, and methods to determine the toxic products being produced. The tools also include ways to predict the outcome of a fire. These advances are on the cutting edge of revolutionizing how fire is thought about, planned for and confronted.

The Committee strongly recommends continuation of the CFR in fiscal year 1988, as a separate organizational unit, at the fiscal year 1986 level of $5.814 million.

V. Changes in Existing Law Made by the Bill, As Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill,

as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 17 OF THE FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974

AUTHORIZATION OF APPROPRIATION

SEC. 17. (a) * * *

* * * * * * *

(g) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, to carry out the purposes of this Act, there is authorized to be appropriated $16,698,000 for the fiscal year ending September 30, 1988.

VI. OVERSIGHT ACTIVITIES

Pursuant to Rule XI, Clause 2(l)(3), and under the authority of Rule X, Clause 2(B)(1) and Clause 3(f), of the Rules of the House of Representatives, the following statement on oversight activities is made:

Committee oversight of the Federal Fire Prevention and Control Act has consisted primarily of hearings; inspections of the U.S. Fire Administration and National Fire Academy; staff attendance at USFA and NFA briefings and informal discussions between Committee Members, staff and representatives of the USFA and NFA; attendance at USFA and NFA sponsored activities and conferences.

AUTHORIZATION HEARINGS

"Hotel Fire Safety: What's Needed to Protect our Citizens", March 5, 1987—testimony was given by federal representatives, national code-making organizations, top fire service leaders, state fire officials and hotel industry personnel. On the lessons learned from the Dupont Plaza Hotel fire in San Juan, Puerto Rico and the role of the USFA, NFA and CFR in investigating the fire.

ATTENDANCE OF USFA AND NFA MEETINGS

Members and staff of the Committee have met with General Becton, Director of FEMA, USFA and NFA staff to receive various briefings on the proposed reorganization budget and program matters.

During the coming year the Committee plans for oversight to include an extensive review of FEMA's plans to reorganize the training activities, including the NFA, and to relocate the USFA.

VII. OVERSIGHT FINDINGS AND RECOMMENDATIONS BY THE COMMITTEE ON GOVERNMENT OPERATIONS

No statement of findings and recommendations on oversight activity pursuant to Rule X, Clause 2(b)(2), and Rule XI, Clause 2(l)(3), of the Rules of the House of Representatives, have been submitted by the Committee on Government Operations for inclusion in this report.

VIII. Cost Estimate—Congressional Budget Office

1. Bill number: H.R. 1522.

2. Bill title: A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974.

3. Bill status: As amended and ordered reported by the House Committee on Science, Space, and Technology on May 13, 1987.

4. Bill purpose: This bill authorizes appropriations of about $16.7 million for fiscal year 1988 for activities under the Federal Fire Prevention and Control Act of 1974.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1988	1989	1990	1991	1992
Authorization level	16.7				
Estimated outlays	9.2	4.8	2.1	0.6	

The costs of this bill fall within budget function 450.

Basis of estimate: All funds are assumed to be appropriated prior to the beginning of the fiscal year and outlays are estimated according to historical spending patterns.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 15, 1987, CBO prepared a cost estimate for an incorrect version of H.R. 1522 that included an authorization of appropriations for fiscal year 1989.

9. Estimate prepared by: Paul M. DiNardo.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

IX. Budget Analysis and Projection

H.R. 1522 provides for new authorization, rather than new budget authority or tax expenditures. Consequently, the provisions of section 308(a) of the Congressional Budget Act are not applicable.

X. Effect of Legislation of Inflation

In accordance with Rule XI, Clause 2(l)(4) of the Rules of the House of Representatives, the following statement is made concerning the inflationary impact of H.R. 1522.

H.R. 1522 is assessed to have no inflationary effect on prices and costs in the operation of the national economy.

XI. Committee Recommendation

A quorum being present, the Committee ordered the bill reported on May 13, 1987 by unanimous voice vote.

XII. Administration Views

Federal Emergency Management Agency,
Washington, DC, February 27, 1987.

Hon. James C. Wright, Jr.,
Speaker of the House of Representatives,
Washington, DC.

Dear Mr. Speaker: Enclosed is proposed legislation "To authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974."

The proposed legislation authorizes appropriations for Fiscal Year 1988 for the fire prevention and control activities including associated training activities authorized under the Federal Fire Prevention and Control Act which are carried out by the Federal Emergency Management Agency's U.S. Fire Administration and National Fire Academy. The amount requested is $12,533,000 which is the amount contained in the President's Budget. The legislation also authorizes appropriations for such sums as may be necessary for Fiscal Year 1989.

The Federal Fire Prevention and Control Act of 1974, as amended, has as its objectives the reduction of the nation's losses caused by fire through better fire prevention and control; and the supplementing of existing programs of training and education. The new appropriations authorized hereunder will provide for the continuation of training programs now being carried out.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this legislation to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

Spence W. Perry,
General Counsel.

Enclosure.

A BILL To authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17 of the Federal Fire Prevention and Control Act of 1974 as amended, (15 U.S.C. 2216) is further amended by adding at the end thereof the following:

"(g) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, to carry out the purposes of this Act, there is authorized to be appropriated $12,533,000 for the fiscal year ending September 30, 1988. There are further authorized to be appropriated such sums as may be ncessary for the fiscal year ending September 30, 1989."

XIII. MINORITY VIEW ON FEDERAL FIRE PREVENTION AND CONTROL ACT H.R. 1522

We oppose H.R. 1522, as reported, because it needlessly exceeds the President's budget request.

The request, which was embodied in H.R. 1522, as introduced, properly balanced the federal responsibility to assist firefighters with the urgent need to reduce the federal budget deficit.

The request for the National Fire Academy (NFA) was actually quite generous, providing new funds for increased personnel costs to keep programs at their current levels. The only proposed cut was a two-thirds reduction in the travel stipend program.

Given that firefighting is primarily a state and local responsibility, that state governments are showing surpluses at a time when the federal government has an extraordinary deficit, that most Academy students are full-time firefighters, and given that the federal government is providing fire courses and dormitory space free-of-charge, it seems exceedingly reasonable to expect other levels of government to pay their firefighters' travel costs.

The facts are as follows: In FY 86, NFA received 10,386 applications, an increase of 5 percent over FY 85 applications. This increase occurred despite the fact that the Administration proposed a 70% reduction in travel stipend money. Furthermore, in FY 86, of all students attending NFA, only 2 percent were full-time volunteers, easily a level which could be funded by the Administration FY 88 request.

An amendment was offered at Full Committee to bring the U.S. Fire Administration back to the FY 88 request. This reduction of $3.35 million would have been taken at the discretion of the U.S.F.A. The FY 88 proposed budget, on the other hand, would have eliminated the U.S.F.A. Administration's Office of Fire Prevention and Control. This Office provides "seed money" for state and local governments to promote, and adopt fire reduction efforts such as residential sprinkler systems, which were developed with federal funds.

We agree with the supporters of this bill that the federal government still must play a role in fire prevention and control—as argued so forcefully in "America Burning"—but that role is constrained by limitations on both federal resources and federal responsibilities.

MANUEL LUJAN, Jr.
F. JAMES SENSENBRENNER, Jr.
PAUL HENRY.
TOM LEWIS.
DON RITTER.
HARRIS W. FAWELL.
JACK BUECHNER.
RON PACKARD.